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11 **U.S. DISTRICT COURT FOR THE**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 **IN RE PORTFOLIO RECOVERY**
14 **ASSOCIATES, LLC**
15 **TELEPHONE CONSUMER**
16 **PROTECTION ACT**
17 **LITIGATION**

Case No.: 11-MD-02295-JAH-BGS

18 **ORDER OF DISMISSAL OF**
19 ***ELLISTON* MEMBER CASE**
20 **WITH PREJUDICE**

21 This Document Relates to *ELLISTON*
22 *V. PORTFOLIO RECOVERY*
23 *ASSOCIATES LLC*, Case No.: 3:17-
24 cv-00809-JAH-BGS

25 This cause is before the Court on the Joint Motion to Dismiss with
26 Prejudice, filed by Plaintiff Dan Elliston and Defendant Portfolio Recovery
27 Associates, LLC, regarding said parties' stipulation to dismiss the member case
28 *Elliston v. Portfolio Recovery Associates, LLC*, 3:17-cv-00809-JAH-BGS ("the
 Elliston action"), with prejudice and with each party to bear its own costs and
 attorneys' fees. On proof made to the satisfaction of the Court, and based on the

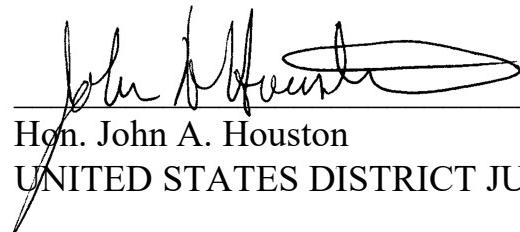
1 parties' stipulation, the Court finds that the *Elliston* action must be dismissed with
2 prejudice and with each party to bear its own costs and attorneys' fees. Based on
3 the foregoing:

4 **IT IS ORDERED** that:

- 5 1. All claims and counterclaims that were or might have been asserted in
6 the *Elliston* action are dismissed, pursuant to Federal Rule of Civil
7 Procedure 41(a)(1)(A)(ii), with prejudice and with each party to bear
8 its own costs and attorneys' fees.
- 9 2. The Clerk of this Court shall transmit a copy of this Order to the Clerk
10 of the United States Judicial Panel on Multidistrict Litigation. *See*
11 J.P.M.L. Rule 10.1 ("Where the transferee district court terminates an
12 action by valid order, including but not limited to summary judgment,
13 judgment of dismissal and judgment upon stipulation, the transferee
14 district court clerk shall transmit a copy of that order to the Clerk of
15 the Panel."). The *Elliston* action shall not be remanded to the
16 transferor court, and this Court shall retain the original files and
17 records, unless the transferee judge or the Panel directs otherwise. *Id.*

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19 DATED: July 28, 2022

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Hon. John A. Houston
UNITED STATES DISTRICT JUDGE